

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government - This bill expands the boundaries of the Immokalee Water and Sewer District. The bill will allow the District to provide water and sewer services to an expanded area. The District is authorized to levy special assessments and impose user fees to fund services.

B. EFFECT OF PROPOSED CHANGES:

This bill expands the boundaries of the District and increases from \$1,500 to \$5,000 the amount for which disbursements of district funds must be made by warrant or check signed by the chair or vice chair and countersigned by the treasurer or the secretary of the board. This bill amends ch. 98-495, L.O.F.

The Immokalee Water and Sewer District, an independent special district in Collier County, was created in 1978 by ch. 78-494, Laws of Florida. The district codified its charter in 1998 by ch. 98-495, Laws of Florida. This district is authorized to operate a water and sewer system. The district levies special assessments and user fees. The district does not have ad valorem taxation authority.

C. SECTION DIRECTORY:

Section 1. Amends s. 2 of s. 2 of ch. 98-495, L.O.F.

Section 2. Amends the district boundaries.

Section 2. Amends s. 7 of s. 2 of ch. 98-495, L.O.F.

Section 7. Increases the amount for disbursements to \$5,000 from \$1,500 of district funds that must be made pursuant to warrants or checks signed by the chair or vice chair and countersigned by the treasurer or the secretary of the board.

Section 3. Provides that the bill shall take effect upon becoming a law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 13, 2005

WHERE? *Naples Daily News*, Naples, Collier County, Florida

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached [X] No []

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached [X] No []

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

There do not appear to be any constitutional issues with this bill.

B. RULE-MAKING AUTHORITY:

This bill does not create any rule-making authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Other Comments:

The Economic Impact Statement indicates that the bill will allow the District to provide water and sewer services to an expanded area. The District is authorized to levy special assessments and impose user fees to fund services.

A referendum was held on November 2, 2004, on the question of modifying the district boundaries. The ballot asked: "Shall the Immokalee Water and Sewer District modify its boundary to include Townships 46 South, Ranges 28 and 29 East; Sections 6, 7, 18, 19, 30, 31, Township 46 South, Range 30 East; Sections 6, 7, 18, and a portion of 19, Township 47 South, Range 30 East; Sections 1 -12, Sections 15 - 21 and a portion of 13, Township 47 South, Range 29 East; and Sections 1 - 6, Township 47 South, Range 28 East?" The referendum passed by 75.39%.

During the 2004 Legislative Session, House Bill 1483, an act relating to Immokalee Water and Sewer District, was vetoed by the Governor. The veto letter, dated June 17, 2004, stated "this well-intentioned bill expands the boundaries of the Immokalee Water and Sewer District. While this boundary change is purportedly supported by the land owners in the expanded area and was subject to public input, it was not confirmed by a voter referendum."

Ms. Eva J. Deyo, Executive Director, representing the District, sent the following e-mail:

"In 2003, the Immokalee Water & Sewer District received a request from the University of Florida Institute of Food and Agricultural Sciences (Experimental Research Station) to provide water and sewer services. The IFAS Center is outside of the boundaries of the District, and therefore we are not able to provide service. This is the second time that the IFAS Center has asked about service. The first time was in 1993, when that site was being considered for a State Laboratory. (It was not selected for the site.) In order to change our boundaries, we have to make a change to our enabling act. Although the amount to provide service to the IFAS Center was cost-prohibitive, the Board decided to review the boundaries, and try to determine where growth will occur in the future, and to amend the boundaries to include those areas. The boundaries have not been amended since the creation of the District in 1978. This area, as is most of Southwest

Florida, is expected to experience growth. The boundary expansion would allow us to prepare for that growth, and set appropriate standards for infrastructure.

Our engineers made recommendations to the Board, and in August 2003 the proposed expansion was discussed, during the Regular Board meeting. We scheduled another Board meeting, on October 15, 2003 and sent letters to property owners in the proposed expanded boundary area. Several property owners attended the meeting, and asked for additional time to review our enabling act. We then scheduled a Special Meeting for October 29, 2003, and made adjustments to the proposed boundaries, reducing the scope of the expansion, based on the concerns of the property owners.

Following the Special Meeting, we submitted a request to Representative Mike Davis, to sponsor a bill in the Florida Legislature, in order to make the changes to our enabling act. This was done, and the bill was unanimously approved in the House and Senate when they met in Spring 2004. However, Governor Bush vetoed the legislation, requesting that the voters in Immokalee, through a referendum on the ballot, make the decision on whether or not to expand the District boundaries.

The Referendum was placed on the ballot for the November 2, 2004 General Election. The final vote was 1222-yes and 399-no, for an approval rate of over 75% by the voters in the affected areas.¹

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

None.

¹ E-mail from Ms. Eva J. Deyo, Executive Director, representing the District, (February 25, 2005) (on file with the Council on Local Government).